

CITY COUNCIL PROCEEDINGS

FEBRUARY 15, 2005

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, February 15, 2005
Tuesday, 9:13 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Lambke, Martz, present, (Schlapp absent).

George Kolb, City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

Rev. Kevin Graham gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

The Minutes of the February 8, 2005 meeting were approved 6 to 0, (Schlapp absent).

AWARDS AND PROCLAMATIONS:

Proclamation Mayor Mayans recognized Reverend Kevin Graham and company and read aloud a proclamation for Black Colleges and Universities Recognition Day.

CONSENT AGENDA

Council Member Fearey Council Member Fearey requested that Item 6b, Professional Services-2030 Transportation Plan Update, be pulled.

Council Member Gray Council Member Gray requested that Item 15d, Second Reading Ordinance, Amusement Park and Rides, be pulled.

George Kolb City Manager, requested that Item 6f, Kellogg/Rock Road Interchange be deferred and Item 15a, Industrial Revenue Bonds, American Baptist Estates, be pulled for discussion.

Mayor Mayans Mayor Mayans requested that Item 6a, Consultant Services Contract-High Performance Organizations, be pulled for discussion.

Motion-- Mayans moved that the Consent Agenda Items be approved as presented except for Items 6b, 15d, 6f, 15a and 6a. Motion carried 6 to 0, (Schlapp absent).
--carried

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED FEBRUARY 14, 2005.

Bids were opened February 11, 2005, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

43rd Street Circle for a new street on the east side of Webb Road on 43rd Street North to serve Sand Plum Addition - south of 45th Street North, west of Webb. (472-84027/765896/490009) Does not affect existing traffic. (District II)

Cornejo & Sons Construction - \$149,468.25

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2005 Wheelchair Ramp and Sidewalk, Phase 1 - various locations north of 47th Street South, west of Seneca. (472-84142/706915/205381) Traffic to be maintained during construction using flagpersons and barricades. (Districts IV,V,VI)

Barkley Construction - \$174,581.00 (Engineer's estimate)

Storm Water Drain #242 to serve The Waterfront 4th Addition - north of 13th Street North, east of Webb. (468-83920/751384/485275) Does not affect existing traffic. (District II)

Jayhawk Contractors - \$33,706.00

Den Hollow from the south line of Lot 48, Block 4 to the west line of Lot 60, Block 4; Den Hollow Court from the west line of Den Hollow to and including the cul-de-sac serving Lots 50 through 53, Block 4; Den Hollow Court from the south line of Den Hollow to and including the cul-de-sac serving Lots 55 through 59, Block 4; Den Hollow Circle from the west line of Lot 60, Block 4 to and including the cul-de-sac serving Lots 60 through 67, Block 4 to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (472-83790/765916/490029) Does not affect existing traffic. (District V)

Ritchie Paving - \$175,721.49

Waddington Court on the east side of Waddington to serve Four H Addition - north of Central, west of Tyler. (472-82312/765923/490036) Does not affect existing traffic. (District V)

APAC – Kansas Inc. - \$49,974.61

Lateral 132 Westlink Sewer to serve Four H Addition - north of Central, west of Tyler. (468-83761/744102/480790) Does not affect existing traffic. (District V)

WB Carter Construction - \$34,000.00

Water Distribution System to serve Four H Addition - north of Central, west of Tyler. (448-88695/735236/470907) Does not affect existing traffic. (District V)

Padgett Excavation - \$22,515.25

Motion--

Mayans moved that the contracts be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 6 to 0, (Schlapp absent).

--carried

PARK & RECREATION DEPARTMENT/RECREATION DIVISION: Waterslide – Evergreen.

Professional Parks Inc. - \$38,500.00 (Group 1/Option 1/Base Bid)

PUBLIC WORKS DEPARTMENT/STORM WATER MANAGEMENT DIVISION: Drainage Improvement at 303 North Wood.

WB Carter Construction - \$23,310.00 (Group 1/total net bid)

Motion--

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and lowest bid, and the necessary signatures be authorized. Motion carried 6 to 0, (Schlapp absent).

--carried

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LICENSE

APPLICATION FOR LICENSE FOR ADULT ENTERTAINMENT ESTABLISHMENTS /SERVICES:

New Escort Service

Saundra Jean Lacy Jessie's Prime Time Entertainment 304 South Laura

Motion--
--carried

Mayans moved that the license subject to Staff review and approval be approved. Motion carried 6 to 0, (Schlapp absent).

CMB

APPLICATIONS FOR LICENSE TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2005</u>	<u>(Consumption off Premises)</u>
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Hau Ma	K & T Store	4001 South Seneca
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Motion--
--carried

Mayans moved that the license, subject to Staff review and approval, be approved. Motion carried 6 to 0, (Schlapp absent).

PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

- a) 2005 sanitary sewer reconstruction, Phase 2 - various locations from Maize to Rock, between 13th Street North and 27th Street South. (468-83956/620427/665547). (District I, II, III, V) - \$646,000
- b) Lateral 16, Main 19 Southwest Interceptor Sewer to serve Avalon Park Second Addition - north of 37th Street North, west of Tyler. (468-83748/744067/480755) Does not affect existing traffic. (District V) - \$240,300
- c) Water distribution system to serve Avalon Park Second Addition - north of 37th Street North, west of Tyler. (448-89908/735203/470873) Does not affect existing traffic. (District V) - \$80,000
- d) Pepper Ridge/Havenhurst from the north line of 37th Street North to the east line of Tyler Road; Havenhurst Court from the north line of Havenhurst and including the cul-de-sac; Sidewalk along the west and south sides of Pepper Ridge and the south side of Havenhurst, from the north line of 37th Street North to the east line of Tyler Road to serve Avalon Park Second Addition - north of 37th Street North, west of Tyler. (472-83899/765887/490998) Does not affect existing traffic. (District V) - \$317,000
- e) Pine Bay Street from the east line of Hydraulic Avenue to Madison Avenue; Madison Avenue from the south line of 63rd Street South to Pine Bay Street; Madison Court from the west line of Madison Avenue west to and including the cul-de-sac to serve Pine Bay Estates Addition - south of 63rd Street South, east of Hydraulic. (472-84034/765894/490007) Does not affect existing traffic. (District III) - \$302,750
- f) Water distribution system to serve Highland Springs Third Addition - south of Central, west of 135th Street West. (448-89828/735212/470882) Does not affect existing traffic. (District V) - \$102,000
- g) Water distribution system to serve The Waterfront 4th Addition - north of 13th Street North, east of Webb. (448-90019/735221/470891) Does not affect existing traffic. (District II) - \$47,500
- h) Lateral 48, Main 24 War Industries Sewer to serve The Waterfront 4th Addition - north of 13th Street North, east of Webb. (468-83918/744092/480780) Does not affect existing traffic. (District II) - \$90,000

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- i) 27th Street North, from the west line of Lot 1, Jackson Avenue in F.C McTaggart Addition to the middle of the intersection of 27th Street North and Jackson to serve FC McTaggart & North Court Additions - south of 29th Street North, west of Broadway. (472-83958/765868/490979) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$42,500
- j) 27th Street North, from the west line of Wellington to the west line of Market to serve Montrose Park, Aley Park and North Lawn Additions - south of 29th Street North, west of Broadway. (472-83959/765871/490982) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$145,500
- k) 27th Street North, from the middle of the intersection of 27th and Waco to the east line of Fairview to serve F.C. McTaggart's Addition and an Unplatted Tract - south of 29th Street North, west of Broadway. (472-83960/765870/490981) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$83,800
- l) 27th Street North, from the middle of the intersection of 27th and Jackson to the middle of the intersection of 27th and Waco to serve F.C. McTaggart and North Court Additions, and an Unplatted Tract - south of 29th Street North, west of Broadway. (472-83961/765869/490980) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$72,300
- m) Sanitary sewer replacement in 27th Street North from Market to Fairview to serve Montrose Park, Aley Park, and North Lawn Additions - south of 29th Street North, west of Broadway. (468-83855/620413 /664533) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$95,000

Motion--carried

Mayans moved that the Preliminary Estimates be approved. Motion carried 6 to 0, (Schlapp absent).

STREET CLOSURES CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures/uses to consider.

(Agenda Item 6a) HIGH PERFORM.

CONSULTANT SERVICES CONTRACT-HIGH PERFORMANCE ORGANIZATION.

Terry Cassady

Development Assistant Director reviewed the Item.

Agenda Report No. 05-0014

The City Manager desires to develop a project to accelerate the City of Wichita into a high performing organization using continuous quality improvement processes. This initiative is similar to improvements that have been completed in the development departments over the past eight years.

At the December 21, 2004 City Council meeting, the governing body approved the project, initial funding sources and authorized staff to solicit proposals for consultant services. A Request for Qualifications (RFQ) was issued and 15 responses were received. The Staff Screening and Selection Committee evaluated the responses and invited five firms to respond to a formal Request for Proposal (RFP). Four proposals were received. The Public Strategies Group, Inc., St. Paul, Minnesota, was the unanimous choice by the selection committee. Selection of the consultant was based on demonstrated competence, qualifications, compatibility and innovative funding strategies.

The improvement initiative will be two-phase with the first phase lasting approximately six months and phase two encompassing two to five years. It is anticipated that the consultant services will be retained for a maximum two-year period with options to renew the contract under the same term and conditions for three successive one-year periods by mutual agreement of both parties. The contract will be subject to cancellation by the City at its discretion at any time within the original contract term or within any successive renewals upon thirty days written notice to the consultant.

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The phase one contract will be for a not to exceed amount of \$150,000 for deliverables and \$30,000 for reimbursable expenses. The Council approved funding for the \$150,000 at the December 21, 2004 meeting. Funding for the reimbursables will be through a budget transfer from Research and Development.

- Mayor Mayans Mayor Mayans stated that he has a couple of issues and that one is the cost that is associated with this project, which is just getting the project off the ground. Stated that this would cost approximately \$50.00 per employee. Stated that the most important Item is that there are a lot of leadership positions, where there are still interim directors and that we are in the process to hire staff for these positions. Stated that we cannot move forward as a high performance organization, when we do not have the organization in place. State that this Item should be deferred until the City hires and fills the positions that need to be filled and then bring this Item back for discussion.
- George Kolb City Manager stated that this project is not driven by any one department but by the City Manager's office and that they will be appointing a leadership team that may or may not include all of the department heads. Stated that an ideal situation would be that all of the positions are filled and everyone is on board but that he cannot predict what vacancies there may be in the future and will necessitate additional training of those persons that may succeed in those positions. Stated that he feels the most important thing is that we move the entire organization led by this leadership team and the City Manager toward accomplishing the goal of becoming a high performance organization. Stated that these are expensive type projects to begin and that hopefully they can work with the consultant on phase two that will be more of a cost-sharing or partnership basis where both the consultant and the City are taking a risk and also sharing in the benefits of the program.
- Council Member Brewer Council Member Brewer inquired whether the projects have been identified and what departments and organizations will be involved in this project.
- George Kolb City Manager stated that would be part of the process of phase one. Identifying those specific projects that they think will be successful and the greatest impact on the organization. Stated that he has identified some of the outcomes that they would like to see. Stated that they would like to develop some performance objectives, which translates to outcomes for the budget. Stated that they also want to develop some performance objectives for departments that they can begin to measure and identify areas that may be weak and identify their strengths so that we can capitalize on those in the delivery of services. Stated these are the types of things that they would like to accomplish. In terms of specifically how they get there, has not been identified but that is what is involved in phase one of this project.
- Council Member Brewer Council Member Brewer stated that there are some Council Members who do not understand about high performance organizations and should probably have a one-on-one with various Council Members to educate them more on this high performance organization and as to how they work. Stated that it is a complicated process.
- George Kolb City Manager stated that the consultants will be here for the next few days and that he would like to introduce them to the Council Members during the workshop and give the Council Members an opportunity to ask questions and that they will meet one-on-one with the Council Members as they get into this process to explain it further and will keep the entire Council apprised on their progress as they move through this process.
- Council Member Brewer Stated that if the consultants are going to be here for several days, it would be a prime opportunity to inform and educate the Council but that this be deferred so that the Council can make a decision as to whether or not this is what they really want to do.
- Mayor Mayans Mayor Mayans stated that he believes that the Council should defer this until the projects are identified and the Council becomes educated on the process. Stated that he is also concerned about the vacant positions because if we are not going to identify the projects and allow the consultants to do that for us, then when the new directors are named, they will have to go through the whole process with additional costs.

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- Council Member Brewer Council Member Brewer suggested deferring this Item until the Council feels comfortable with what they are doing on this particular Item.
- Motion-- Mayans moved that this Item be deferred for an indefinite period of time until the Council has a comfort level where they would want to act on it.
- George Kolb City Manager stated that consultants are going to be here the next three days because they are assuming they earned the contract. Stated that he is assuming that the Council is going to authorize pay to them for the time that they are here.
- Council Member Brewer Council Member Brewer stated that the Council has not approved the contract for \$150,000.00, the consultants are coming here expecting to brief the Council today under the assumption that we are going to pay them. Stated that if the consultants are interested in presenting this to the Council and being awarded this contract that he thinks if it is that important to them then they would be willing to do this for free and take the risk. Stated that if they are not, then from that standpoint, maybe they need to catch another plane and go back or figure out something else. Stated that there are a lot of other businesses that come here wanting to make presentations.
- Council Member Gray Council Member Gray stated that instead of writing them a check today and say that we are going to pay for their fees, he thinks it is beneficial as a business person, that this is an investment and for them to try to make their last pitch to the board of directors to see if they get their \$150,000.00 contract. Stated that they need to make that trip and if they do not make that trip then that shows their lack of commitment to this process and lack of commitment to the City of Wichita. Stated that if we choose not to approve this contract at a later date, there may be an issue that could be contested at that time. Stated that he is not going to write the check today and say that we will go ahead and pay for your expenses to get here, if we choose not to do this.
- carried Motion carried 6 to 0, (Schlapp absent).

(Agenda Item No. 6b) 20030 TRANS. PLAN

PROFESSIONAL SERVICES-2030 TRANSPORTATION PLAN UPDATE.

Agenda Report No. 05-0015

Federal regulations require that Metropolitan Planning Organizations (MPOs) update the Long-Range Transportation Plan at least once in five years. The Transportation Plan Update must incorporate public involvement activities, traditional and non-traditional transportation systems, and address transportation issues as identified through the planning process. The Wichita-Sedgwick County MPO's Transportation Plan was approved in March 2000, and will be updated in August 2005.

The MAPD staff serves the Wichita-Sedgwick County MPO. Professional consulting services are sought to assist staff in completing the update process. The plan will include recommended improvements for mid-term (2015) and long-term (2030) scenarios, and will cover all surface transportation modes. This update will recognize changes in the development patterns and growth projections since the adoption of the previous plan. The Plan covers a larger planning area due to the expansion of the metropolitan planning boundary, and ensures participation of all local jurisdictions, transportation stakeholders, and the general public in the plan development process.

Five proposals were received in response to the Request for Proposals (RFP). Parsons Brinkerhoff Quade and Douglas, Inc. was chosen by members of the consultant selection committee that comprised of officials from the Federal Highway Administration, Kansas Department of Transportation, staff from Wichita and Sedgwick County Public Works, Wichita Transit, and the MAPD.

This contract is for a total sum of \$409,000.00. Federal transportation planning funds available to the MPO will be used to pay 100 percent of the costs associated with the contractual services.

Federal regulations require all metropolitan areas to update the Transportation Plan every five years.

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Council Member Fearey Council Member Fearey stated that she noticed that there was quite a public input process and that she would like Planning Director, John Schlegel, to explain this so that the everyone will know how the public will be involved in this.

John Schlegel Planning Director explained that at least every five years the Metropolitan Planning Organization is required to update its long-range transportation plan, in order to keep transportation projects in this metropolitan area eligible for federal funding. Stated that the purpose of this contract is to hire a consultant that is experienced and knowledgeable in doing long-range transportation plans to accomplish this tax for us. Stated that the entire funding for this contract is being provided by the federal government. Stated that there is a very extensive public involvement process that is involved in this contract and one of the first tasks that the contractor will be asked to do is put that public involvement plan together and have them approve it. Stated that a number of things will be involved in that, which is that they will be developing newsletters that will be sent out, they will generate a website for the project, the contract calls for them to hold at least four public meetings that will be advertised in the newspaper and for them to work with a number of smaller focus groups and with stakeholders individually in trying to determine what types of transportation planning issues we should deal with in this latest update to the long-range transportation plan. Stated that he urges people that are interested in public transportation issues, that over the next several months as this contract unfolds, that people keep an eye in the newspaper for notices of the public meetings where they can get involved and provide input on transportation planning issues.

Motion-- Mayans moved that the selection of Parsons Brinkerhoff Quade and Douglas, Inc. to complete the 2030 Transportation Plan Update be approved and the necessary signatures to execute the contract be authorized. Motion carried 6 to 0, (Schlapp absent).
--carried

GARAGE REPAIRS **CITY HALL GARAGE REPAIRS. (DISTRICT I)**

Agenda Report No. 05-0016

Construction of the City Hall Parking Garage was completed in December of 1995. It consists of four levels with a parking capacity of 641 vehicles. The construction is comprised of precast and prestressed concrete elements.

In 1999 Walker Parking Consultant/Engineers, Inc. did the first and only condition appraisal and maintenance review of the City Hall Garage. Repair and maintenance work identified in their report were completed.

On November 16, 2004, City Council approved the CIP project, adopted the Resolution, and authorized staff to solicit for an architect/engineer to perform a conditional appraisal/maintenance review and construct the necessary repairs.

On December 7, 2004, Purchasing advertised Request for Proposal No. FP400125 for consultant services for a condition appraisal/maintenance review and modifications of the City Hall Parking Garage. Only one proposal was received from the combined firms of McCluggage Van Sickle Perry Corp. and Walker Parking Consultants, Inc. This is the same combined firms that did the original design and construction of the garage in 1995.

They propose to complete a condition appraisal and maintenance review for a base fee of \$12,000 plus reimbursable expenses not to exceed \$5,850 for a total fee of \$17,850. Once the condition appraisal/maintenance review is completed, fees would have to be negotiated for work related to writing bid specifications. Fees for this work were not quoted because until the actual condition appraisal and maintenance review is completed the actual scope of work needed is not known.

Since this is a "single source response" and the proposed fee is less than the approved CIP budgeted amount a contract was negotiated without the Staff Screening and Selection Committee being convened.

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The project is authorized in the 2004-2013 Capital Improvement Program (CIP) (PB-340402 (Project No. 435392, OCA #792427) for \$50,000 for a condition appraisal, specifications and bid documents, \$200,000 for actual repairs and modifications for a total of \$250,000.

Motion--
--carried

Mayans moved that the Contract be approved and the necessary signatures authorized. Motion carried 6 to 0. (Schlapp absent).

MURDOCK BRIDGE MURDOCK STREET BRIDGE OVER THE LITTLE ARKANSAS RIVER. (DISTRICT VI) - SUPPLEMENTAL AGREEMENT NO. 3.

Agenda Report No. 05-0017

On December 2, 2003, the City entered into an Agreement with Professional Engineering Consultants, P.A. (PEC) for designing improvements to the Murdock Street Bridge over the Little Arkansas River that includes rehabilitation of the abutments, piers, sidewalk, railing, and bridge deck. The fee was \$17,988. On April 13, 2004, the City Council approved Supplemental Agreement No. 1, for construction engineering services. The fee was \$95,000. On November 1, 2004, a 36" waterline broke near the east end of the bridge. On January 4, 2005, the City Council approved Supplement Agreement No. 2, for additional design services to design a replacement waterline and construction engineering services to assess possible bridge damage caused by the waterline break. The fee was \$32,200.

The proposed Supplemental Agreement No. 3 between the City and PEC provides for construction engineering services for the emergency waterline replacement.

Payment to PEC will be on an hourly basis, with a maximum fee not to exceed \$32,000, and will be paid by Water Utility Operating Revenues.

Motion--
--carried

Mayans moved that the Supplemental Agreement No. 3 be approved and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

UNSEWERED AREAS UNSEWERED AREAS PROJECT-TECHNICAL SERVICES AGREEMENT.

Agenda Report No. 05-0018

It is estimated that there may be as many as 4,000 parcels of land within the City of Wichita that are not connected to public sewer. Due to potential environmental health concerns and the possibility of ground and surface water contamination from the use of septic systems, Kansas Department of Health and Environment (KDHE) has allocated funds to Department of Environmental Health (EH) to conduct a survey of these properties through the use of GIS mapping and review of local records, documents and other existing data.

An agreement has been developed between EH and the University of Kansas School of Medicine – Wichita (UKSM-Wichita) to conduct a survey using faculty, staff and graduate students from the UKSM-Wichita's Department of Preventive Medicine and Public Health. The agreement calls for the UKSM- Wichita to conduct the survey and provide a written report to the City identifying and confirming properties within the City that do not have the benefit of public sewer. The report will also provide recommendations regarding areas that need to be prioritized for public sewer due to environmental impacts or environmental health concerns. This information and report will satisfy KDHE initiatives and provide the City with valuable information for development of long range plans for public sewer projects to un-served areas within the community. Work performed under this technical services agreement will run through KDHE's State Fiscal Year (SFY) 2005.

The study will be funded via a grant from KDHE. Initial responses to a request for proposal were in excess of the available grant funding. Staff explored the option of contracting with UKSM –Wichita and determined that UKSM – Wichita has experienced staff and graduate students available for assignment to the project. UKSM-Wichita will be able to accomplish the work within the funding

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available and SFY 2005 schedule. Payments to UKSM-Wichita will not exceed \$25,000 per the proposed contract.

Motion--
--carried

Mayans moved that the agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

(Agenda Item No. 6f)

KELLOGG/ROCK RD KELLOGG/ROCK ROAD INTERCHANGE. (DISTRICT II) – SUPPLEMENTAL.

Motion--carried

Mayans moved that this Item be deferred. Motion carried 6 to 0, (Schlapp absent).

SOUTHERN RIDGE DESIGN SERVICES FOR SOUTHERN RIDGE SECOND ADDITION, SOUTH OF PAWNEE, WEST OF MAIZE. (DISTRICT IV)

Agenda Report No. 05-0019

The City Council approved the storm water drainage and paving improvements in Southern Ridge 2nd Addition on September 14, 2004.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements consisting of storm water drainage and paving in Southern Ridge 2nd Addition. Per Administrative Regulation 7a, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Baughman will be on a lump sum basis of \$42,200, and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

THE FAIRMOUNT DESIGN SERVICES FOR THE FAIRMOUNT THIRD ADDITION, WEST OF 127TH STREET EAST, NORTH OF 21ST STREET. (DISTRICT II)

Agenda Report No. 05-0020

The City Council approved the water distribution system, sanitary sewer, storm water drainage and paving improvements in The Fairmont 3rd Addition on December 7, 2004.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements consisting of water distribution system, sanitary sewer, storm water drainage and paving in The Fairmont 3rd Addition. Per Administrative Regulation 7a, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Baughman will be on a lump sum basis of \$38,700, and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

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CHERYL'S HOLLOW DESIGN SERVICES FOR CHERYL'S HOLLOW ADDITION, NORTH OF 13TH STREET, WEST OF 135TH STREET WEST. (DISTRICT V)

Agenda Report No. 05-0021

The City Council approved the water distribution system, sanitary sewer, storm water drainage and paving improvements in Cheryl's Hollow Addition on December 21, 2004.

The proposed Agreement between the City and Ruggles & Bohm, P.A.(R&B) provides for the design of bond financed improvements consisting of water distribution system, sanitary sewer, storm water drainage and paving in Cheryl's Hollow Addition. Per Administrative Regulation 7a, staff recommends that R&B be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to R&B will be on a lump sum basis of \$83,350, and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

SAWMILL CREEK DESIGN SERVICES FOR SAWMILL CREEK ADDITION, EAST OF ROCK ROAD, NORTH OF 45TH STREET NORTH. (DISTRICT II)

Agenda Report No. 05-0022

The City Council approved the water distribution system, sanitary sewer, storm water drainage and paving improvements in Sawmill Creek Addition on November 16, 2004.

The proposed Agreement between the City and Ruggles & Bohm, P.A.(R&B) provides for the design of bond financed improvements consisting of water distribution system, sanitary sewer, storm water drainage and paving in Sawmill Creek Addition. Per Administrative Regulation 7a, staff recommends that R&B be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to R&B will be on a lump sum basis of \$64,898, and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

PROPERTY ACQ. ACQUISITION OF TRACTS 10 & 11 FOR THE COWSKIN CREEK CHANNEL IMPROVEMENT PROJECT: KELLOGG TO MAPLE. (DISTRICT V)

The Cowskin Creek Channel Improvement Project will require the acquisition of all or part of fourteen tracts along the creek between Maple and Kellogg. Two of the required acquisitions are located in the northeast quadrant of Maize and Kellogg. The two tracts encompass 30.14 acres and is undeveloped. The project requires 13.85 acres.

The acquisition was appraised for \$270,000. This is based on a land value of \$20,000 per acre, damage to a fence valued at \$8,500 and an increase in value of the remaining land of \$1,000 per acre. The owner originally countered at \$600,000 but has agreed to accept \$330,000. The appraisal did not take into account the fact that the take eliminates frontage on and access to Kellogg Drive. Also, the concept of the take improving the per unit value of the remainder is counter to all the other appraisals on the project where loss of the creek area was determined to decrease the value of the remainder. Finally, the City paid \$61,000 per acre for a 39,204 square foot portion of this tract that was needed for the expansion of Kellogg, all of which serve to support the negotiated amount.

The funding source is Storm Water Utility and Federal funding. A budget of \$331,000 is requested.

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This represents \$330,000 for acquisition, and \$1,000 for closing costs, surveys, title insurance and other miscellaneous costs.

Motion--
--carried

Mayans moved that the Budget and Real Estate Purchase Contracts be approved and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

PROPERTY ACQ.

ACQUISITION OF 3814 EAST MT. VERNON OF THE DRY CREEK BASIN PROPERTY ACQUISITION PROJECT. (DISTRICT III)

Agenda Report No. 05-0024

There have been several, flooding incidents along the Dry Creek basin in East Wichita. As a result of this, the City Council approved a voluntary property acquisition program. The program calls for the acquisition of up to 16 residential properties that have habitable floors that are below the one hundred year flood elevation. One such property is 3814 East Mt. Vernon, which is owned by the Wendi Mack. The site contains 21,299 square feet and is improved with a 1,338 square foot wood frame residence.

The city had the property appraised in January 2005. The appraised value of \$85,000 was offered to the owner. The owner has agreed to sell the property for this amount. The improvements will be removed and the site maintained as open space.

A budget of \$90,750 is requested. This includes \$85,000 for the acquisition, \$5,000 for demolition and \$750 for closing costs and title insurance. The funding source is the Storm Water Utility.

Motion--
--carried

Mayans moved that the Real Estate Purchase Contract be approved and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

PROPERTY ACQ.

ACQUISITION BY EMINENT DOMAIN OF TRACTS REQUIRED FOR THE EAST KELLOGG/ROCK ROAD IMPROVEMENT PROJECT. (DISTRICT II)

Agenda Report No. 05-0025

The acquisitions required for the East Kellogg/Rock Road Improvement Project were released for active acquisition in December 2001. There are twenty-two total acquisitions and four partial acquisitions. Twenty of the total acquisitions and three of the partial acquisitions have been acquired or are in the process of being acquired. The remaining acquisitions are located near the northwest corner of Kellogg and Rock Road and involve part of the Town East Mall, all of the Old Chicago restaurant and all of the La Quinta Motel.

City staff and consultants hired by the City have been attempting to negotiate a purchase of the identified properties but have been unable to reach an agreement with the owners. Per Federal guidelines, offer values were set by review appraisals of certified appraisals. The taking from the Mall was appraised at \$1,410,000. Old Chicago was valued at \$1,540,000 and La Quinta was valued at \$5,100,000. The Mall and the land under the other two tracts are owned by the same entity. Attempts have been made to arrive at a settlement involving the trade of some City-owned land and cash consideration but to date, no agreement has been reached. Staff will continue to negotiate with the owners, but due to the construction schedule for the project, eminent domain proceedings need to be initiated.

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The cost of these acquisitions will be paid for by the City at large.

Motion--

Mayans moved that the ordinance providing for the acquisition by eminent domain of certain real property and directing the City Attorney to file the appropriate proceedings in the District Court to accomplish such acquisition, be placed on first reading. Motion carried 6 to 0, (Schlapp absent).

--carried

ORDINANCE

An Ordinance providing for the acquisition by eminent domain of certain private property, easements and right-of-way therein, for the purpose of acquiring real property for the construction and widening of Kellogg Avenue in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the city attorney to file a petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof, introduced and under the rules laid over.

PROPERTY DISP.

SALE OF SURPLUS LAND LOCATED AT 4400 SOUTH PALISADE. (DISTRICT IV)

Agenda Report No. 05-0026

An offer has been received for the City-owned parcel located at 4400 South Palisade. The site has 3.09 acres. Access is via a undeveloped easement along the drainage canal to 43rd Street South, approximately two blocks west. The property was developed in 1951 as the disposal facility for a privately owned sewer system. The tract, along with all improvements and personal property was condemned from the Purcell Utility Company by the Glenville Improvement District in 1955. The improvement district then deeded it via warranty deed to the City of Wichita in 1963. It is unknown whether all underground improvements were removed when the plant was demolished.

The property has been offered for sale since 1996. It was included in the 2003 marketing program. An offer of \$3,000 was received from the current buyer and approved by the City Council. The buyer never executed a contract. He has now renewed his offer for the site, again at \$3,000. The buyer intends to develop the site with a vehicle maintenance facility for a firm in the area.

The City will receive cash consideration from the sale of the property at closing. In addition, the property will be placed back on the tax rolls and the City will be relieved of maintenance costs.

Motion--

Mayans moved that the Real Estate Purchase Contract be approved and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

--carried

WATSON PARK

DESIGN SERVICES FOR IMPROVEMENTS AND MODIFICATIONS TO O.J. WATSON PARK. (DISTRICT III)

Agenda Report No. 05-0027

On September 14, 2004, City Council approved and authorized the initiation of funding to provide design services for O. J. Watson Park in the amount of \$60,000. The 2005-2014 CIP program includes \$300,000 in 2005 and \$300,000 in 2006 for O. J. Watson Park improvements and modifications.

The City's Request for Proposal (RFP No. FP 400112) was developed to select a consultant to design a new park entrance to the west side of the park along McLean Blvd and to enhance the area with landscaping. Additional proposed improvements will include extending the train tracks, and renovating/replacing the train and pony shelters.

On November 17, 2004, the City received proposals from five design and engineering consultants. The following companies submitted proposals: K.E. Miller Engineering/Landmark Studio, Law/Kingdon, Hanney & Associates, Architects, Wilson Darnell Mann P. A., and Gossen Livingston Architecture. On December 14, 2004, the Selection Committee met and decided to interview K.E. Miller

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Engineering/Landmark Studio, Law/Kingdon, and Hanney & Associates, Architects. The three firms were interviewed by the Selection Committee on January 12, 2005. The firm of Law/Kingdon was selected, based on understanding of project requirements/objectives, staff designations, design fees, and the ability to provide services in a timely manner.

Funding for this project is provided by 2005 Park and Recreation Capital Improvement Funds. The proposed fee for professional services from Law/Kingdon, Inc. will be \$59,700.

The Law Department will review and approve the design contract as to form.

Motion--
--carried

Mayans moved that the Selection Committee for design services for O. J. Watson Park be approved and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

EUDL GRANT

ENFORCING UNDERAGE DRINKING LAWS (EUDL) GRANT.

Agenda Report No. 05-0028

For the past few years, the Wichita Police Department has placed an emphasis on eliminating underage alcohol consumption in our community. In an effort to address this problem, the Wichita Police Department, in collaboration with community agencies and citizens, developed and implemented the JUDGE (Juvenile Underage Drinking Group Education/Enforcement) program. The goals of the JUDGE program are to educate the public on underage alcohol consumption issues and enhance proactive enforcement of laws applicable to underage alcohol consumption. In an effort to assist with this effort, the Police Department is applying for a grant funded by the Kansas Department of Transportation, Bureau of Traffic Safety. The Enforcing Underage Drinking Laws (EUDL) grant is being made available to communities to support their enforcement activities in the area of preventing underage alcohol consumption. The Wichita Police Department received EUDL funding 2004 and is applying for funding again in 2005.

The Kansas Department of Transportation is providing financial support in the form of a three-month mini-grant. Funds would be made available from March 1 through May 31, for overtime and commodities to support enforcement activities during Spring break, proms and graduations.

The Wichita Police Department grant application requests funding for the JUDGE program in the amount of \$21,000 for overtime and \$3,500 for commodities, for a total of \$24,500 to support enforcement activities. There is no local match.

Motion--
--carried

Mayans moved that the application be approved and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

SUMMER PROGRAM PARK & RECREATION MARKETING AGENCY FOR SUMMER PROGRAM.

Agenda Report No. 05-0029

Summer of Discovery is the summer recreation program offered by the Park & Recreation Department for children age 13 and under. This program is filled with exciting, fun and educational activities that include special-themed weeklong activities to expand children's minds and interests. The program is licensed by the Kansas Department of Health & Environment, which means that it can serve as alternative daycare for working parents.

This program works as an educational outlet for children, while offering a unique option for working parents that need different daycare options. This program also receives federal grant dollars to provide those that qualify for financial assistance to enroll their child. The Greteman Group donated the branding and marketing strategies of the program the first year. The City of Wichita would like to continue using the images and branding that was developed.

Summer of Discovery needs marketing support to educate and inform the target audience as to the

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benefits of the program. The branding effort has been in place for five years.. With many summer program options available, continuing the marketing efforts is key to keep enrollment numbers up and to recover program cost. Greteman Group will provide services that continue the current branding strategy using graphics services and updating of current tactics in place such as water bill inserts, advertisements, handouts, promotions and T-shirt design.

Not to exceed \$10,000 and is budgeted the City's marketing funds.

Motion--
--carried

Mayans moved that the Greteman Group be approved and the necessary signatures authorized.
Motion carried 6 to 0, (Schlapp absent).

VISITORS BUREAU

INTERIM FUNDING FOR CONVENTION & VISITORS BUREAU.

Agenda Report No. 05-0030

Every year, the Greater Wichita Convention & Visitors Bureau works with City of Wichita staff to negotiate a new contract. While their allotment is approved as part of the process in the year prior's adopted budget, there is still discussion on a yearly basis of what the year's goals will be and how the organization can accomplish them.

Last year, the proposed 2004 contract focused on renewing marketing efforts for the organization with more focus on priority projects contained in the Strategic Master Plan for Tourism. Some of the important CVB goals for that year included: increase of convention and motor coach tour room nights; expanded hotel, attraction and activity with marketing and promotions; enhanced website capabilities, and increased efforts to secure private and other funding sources.

Key goals were met as expected. Now, staff of both organizations are strategizing on new goals for 2005 that better matches the GWCVB's growth pattern and helps them succeed as an organization. In an effort to improve continuous quality within the City's partnership organizations, it is in the best interest of all parties to strive for more measurable, challenging yet attainable goals. The final goals have not yet been finalized but efforts are ongoing and will be ready by the March 1 agenda for presentation to City Council as New Business. Therefore, staff is requesting that the City of Wichita provide a portion of the contract funding to serve as working cash flow for the organization until the contract is finalized.

The amount requested is 1/12 of the total amount of the planned allocation as approved in the 2005-2006 Adopted Budget. This amount will be \$142,985 and is in the C&T Fund.

Motion--
--carried

Mayans moved that the allocation from the C & T Fund be approved and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ FEBRUARY 8, 2005)

(Agenda Item 15a)

a) Industrial Revenue Bonds, American Baptist Estates. (District IV)

An Ordinance authorizing the City of Wichita, Kansas to issue its Health Care Facilities Revenue Bonds, Series I, 2005 (American Baptist Estates, Inc.) in the aggregate principal amount of \$1,225,000 for the purpose of providing funds to acquire, construct and equip five new residential duplex buildings to be used as part of an existing continuing care retirement facility and to pay certain costs of issuance; prescribing the form and authorizing execution of a Trust Indenture between the City and UMB Bank, N.A., Wichita, Kansas, as Trustee; prescribing the form and authorizing execution of a Lease Agreement by and between the City and American Baptist Estates, Inc.; approving the form of a Guaranty Agreement between American Baptist Estates, Inc., as Guarantor, and the Trustee; prescribing the form and authorizing the execution of a Bond Purchase Agreement between the City, American Baptist Estates, Inc, and Riedl First Securities Company of Kansas, Inc., Wichita, Kansas, as purchaser of the Series I, 2005 Bonds, read for the second time.

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- Allen Bell Economic Development Director explained that this Item is the second reading of the bond ordinance and that the City Council placed the ordinance on first reading last week so that it automatically goes on second reading on the Consent Agenda. Stated that the Law Department has asked that the City Council clarify an Item in the City's Economic Development Incentive Policy. Stated that this is the first project that they are implementing under the terms of the new policy. Stated that the Law Department has been working out the detailed legal documentation that goes with these bond issues and in order to apply the new policy, a number of new provisions have been added to the documents, in particular the provisions relating to what is called "claw back provisions", meaning that if the business does not do the things that it is committed to do, then the City has the right to require repayment of the incentives that were received by the company. Stated that the Law Department is asking for the City Council to clarify the economic development incentive policy and find that the claw back provisions do not extend to repayment of interest cost savings resulting from tax-exempt bonds. Stated that for that reason they are asking that the Item be pulled from the consent agenda for separate consideration and that he would propose and request that the Council consider a motion that adopts the bond ordinance and clarify the economic development incentive policy, that it does not require repayment of interest cost savings resulting from the use of tax exempt industrial revenue bonds. Stated that his preference is to amend the motion and take the action with the amended motion so that the bonds can be issued and have the bond closing and that American Baptist Estates can proceed with their project at this time.
- Council Member Fearey Council Member Fearey stated that she is getting confused as to when we are using the old policy and when we are using the new policy.
- Allen Bell Economic Development Director stated that this Item is clearly under the new policy but that the Law Department is asking a clarification of that policy so that when going forward, we will not have to deal with the difficult issue of a claw back of interest cost savings from tax-exempt bonds.
- Council Member Fearey Council Member Fearey stated that she wanted to make sure that when they applied that they knew that they would be judged under the new policy.
- Council Member Martz Council Member Martz stated that he had no clue that this was coming up and that the Council is being asked to make a policy change with a minute or two of explanation. Stated that he would like to defer this Item until someone from staff can bring back to the Council and explain exactly what is going on.
- Motion-- Martz moved to defer this Item and have Staff bring it back for review.
- Allen Bell Economic Development Director stated that he believes that we will be penalizing a company that has been working in good faith with the City to undertake this financing. Stated that an issue was raised by the Law Department last Friday, as a result of reviewing the documents and dealing with the details of the documents. Stated that since the City Council will not meet again until March 1st, we would have to delay the closing of their bond issue or their loan until after that time and that would delay the implementation of their project.
- Council Member Martz Council Member Martz stated that he might support it but would like clarification on what he is voting on.
- Council Member Fearey Council Member Fearey asked if there would be some way that they could go ahead and approve this today with an exception without getting into setting a precedent and not have to change the whole policy.
- Joe Lang Law Department stated that it would set a precedent but under the circumstances he sees no problem with the Council approving an exception for this particular issue while the Council looks at a overall change in the policy.
- Motion rescinded Martz stated that he would rescind his motion but will not support this Item because he does not understand it. Fearey withdrew her second.

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Motion--

Fearey moved to approve the second reading with an exception made to the economic development policy so that it does not require payment of interest costs savings resulting from use of tax exempt bonds for this project and that the policy then be brought back to Council for any possible policy changes at the next workshop. Motion carried 5 to 1, (Martz-no, Schlapp-absent).

--carried

b) Improvement to the Intersection of Harry and Longford. (District II)

An Ordinance declaring the intersection of Harry at Longford (472-83998) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Mayans, (Schlapp absent).

c) Improvement to the Intersection of Tyler and Yosemite. (District IV)

An Ordinance declaring the intersection of Tyler and Yosemite (472-84176) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Mayans, (Schlapp absent).

(Agenda Item 15d)

d) Amusement Park and Rides.

Council Member Gray

Council Member Gray stated that this is the ordinance pertaining to the amusement park rides and that he has one grammar check that needs to be made.

Mayor Mayans

Mayor Mayans stated that there have been some concerns and that there are two parts of the industry, one is the existing parks located at one particular facility and then there are those that move around. Stated that this should be deferred so that the Council can visit with staff and discuss some of these issues. Stated that when the ordinance was changed, we did not change fees but changed the definition of those that come under the fees. Stated that he thinks the Council can pass the ordinance and address the fee structure at a separate time but there are other issues that have to do with inspections and that merits meeting with staff and deferring this Item.

Motion--carried

Gray moved that this Item be deferred for second reading. Motion carried 6 to 0, (Schlapp absent).

NEW BUSINESS

UNSAFE STRUC.

REPAIR OR REMOVAL OF DANGEROUS & UNSAFE STRUCTURES. (DISTRICT I)

Agenda Report No. 05-0031

On January 4, 2005 a report was submitted with respect to the dangerous and unsafe conditions on the properties below. The Council adopted resolutions providing for a public hearing to be held on these condemnation actions at 9:30 a.m. or as soon thereafter, on February 15, 2005.

On December 6, 2004, the Board of Code Standards and Appeals (BCSA) held a hearing on the following properties:

Property Address

Council District

- a. 1443 South Water
- b. 1445 South Water
- c. 640 North Old Manor

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Pursuant to State Statute, the Resolutions were duly published twice on January 10, 2005, and January 17, 2005. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of the described property.

(c. 640 North Old Manor)

Motion-- Mayans moved that the public hearing be closed; the resolutions declaring the buildings dangerous and unsafe structures be adopted; and the BCSA recommended action to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structures be accepted. Any extensions of time granted to repair the structures would be contingent on the following: (1) All taxes have been paid to date, as of February 15, 2005; (2) the structures have been secured as of February 15, 2005 and will continue to be kept secured; and (3) the premises are mowed and free of debris as of February 15, 2005 and will be so maintained during renovation. Motion carried 6 to 0. (Schlapp absent).

-- carried

Mr. Norton Mr. Norton stated that on the property located at **1443 South Water**, he had just finished putting in new windows and new siding and on **1445 South Water**, he plans on doing the same thing. Stated that he will need about 60 days to complete the exterior repairs to 1445 S. Water and that the outside repairs are completed on 1443 S. Water and is working on getting the plumbing done on it and an electrician for the electrical work. Stated that he hopes to have 1443 South Water completed inside and out within 30 days and that the taxes will be paid this week.

Motion-- Brewer moved to remove the property located at 1443 South Water from consideration and that any fees that are owed to the City, be taken care of this week and the property located at 1445 South Water, that the property owner be given 60 days to complete the project and all of the back taxes and financial obligations to the City be taken care of within the next 30 days. Motion carried 6 to 0, (Schlapp absent).

-- carried

RESOLUTION NO. 05-067

A Resolution finding that the structure/s located on Lots 67 and 69, on Water Street, Bering's Addition to Wichita, Sedgwick County, Kansas, known as 1443 South Water is/are unsafe or dangerous and directing the structures/s to be made safe and secure or removed, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Mayans, (Schlapp absent).

RESOLUTION NO. 05-068

A Resolution finding that the structure/s located on Lots 67 and 69, on Water Street, Bering's Addition to Wichita, Sedgwick County, Kansas, known as 1445 South Water, is/are unsafe or dangerous and directing the structures/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Mayans, (Schlapp absent).

RESOLUTION NO. 05-069

A Resolution finding that the structure/s located on Lots 37-38, Block 9, East Highlands Addition to Wichita, Sedgwick County, Kansas, known as 640 North Old Manor, is/are unsafe or dangerous and directing the structures/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Mayans, (Schlapp absent).

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COFFEE ROASTERIE PUBLIC HEARING AND TAX EXEMPTION REQUEST, WICHITA COFFEE ROASTERIE, INC. (DISTRICT IV)

Allen Bell

Economic Development Director reviewed the Item.

Agenda Report No. 05-0032

Wichita Coffee Roasterie, Inc., located at 4430 W. 29th Circle South was locally formed in 2003 and is a manufacturer of roasted coffee. In 2003 the company submitted a letter of intent to the Economic Development Office stating its intent to seek a property tax abatement from the City of Wichita under the Economic Development Tax Exemption (EDX) program to assist with the construction of building improvements and acquisition of new financing equipment in connection with their start-up business. The company is requesting Council approval of the EDX exemption at this time.

Wichita Coffee Roasterie imports raw coffee beans to provide unique blends of coffee. The raw product is measured into hoppers then loaded into an automated roasting oven. Wichita Coffee Roasterie uses a computer controlled roasting oven to provide the ability to manage the color and flavor of coffee beans for the desired coffee to be produced. Wichita Coffee Roasterie uses a De-Stoner machine to sort out impurities in which to provide the beans with the appropriate texture. Wichita Coffee Roasterie uses grinder and shaker machines to separates the beans from impurities. A silo is used as a process, which takes the product through a de-gassing to separate out the carbon dioxide. For packaging the product, the company offers several combinations of packaging from clear film to filter paper. Wichita Coffee Roasterie provides a custom packaged product that allows Managed Service distributors to "corporate label" their coffee. In addition to coffee roasting, the company started a bottled water operation, which includes production of 3 and 5-gallon bottle water. The coffee roasting operation is the larger of the two manufacturing operations.

As a start-up business, Wichita Coffee Roasterie started with no employees, and projects to add 18 new jobs over the next five years. The average annual wage is \$39,000. The company exports 75% of all production of out Kansas.

The company submitted its formal application for an EDX tax exemption on November 10, 2004, prior to the adoption by the City Council of the new Economic Development Incentive Policy. The amount of tax abatement has therefore been calculated based on the Business Incentives Policy that was in effect at that time. Under the Business Incentive Policy, Wichita Coffee Roasterie is eligible for the following:

TAX EXEMPTION ELIGIBILITY

ELIGIBLE %	INCENTIVE	EXPLANATION
33.0%	New Job Creation:	Wichita Coffee Roasterie will create at least 18 new jobs.
16.50%	Capital Improvements:	Wichita Coffee Roasterie will invest at least \$1,014,759.
49.5%	Sub Total Business - Incentive Eligibility (Maximum allowed is 50%)	
37.5%	Export Premium:	Wichita Coffee Roasterie exports 75% of its product outside Kansas.
37.5%	Sub Total – Export Premium (Maximum allowed is 50%)	
87.0%	TOTAL EXEMPTION ALLOWED UNDER BUSINESS INCENTIVE POLICY	

Wichita Coffee Roasterie is eligible for 87% tax exemption for a five-year term on new real and personal and 43.5% exemption on real property for a second five-year term, subject to Council review.

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A notice of public hearing has been published. Wichita Coffee Roasterie has agreed to comply with the conditions set forth in the Business Incentive Policy.

The estimated first year taxes on the proposed \$1,014,759 expansion would be \$26,695 on personal property, based on the 2004 mill levy. Using the allowable tax exemption of 87 percent, the City would be exempting (for the first year) \$23,224 of new taxes from the real and personal property tax rolls. The tax exemption will be shared among the taxing entities as follows: City - \$6,519; County/State - \$6,198; and USD 259 - \$10,507.

Wichita State University Center for Economic Development and Business Research calculated a cost-benefit analysis indicating benefit-to-cost ratios, which are as follow:

City of Wichita	2.58 to one
Sedgwick County	1.70 to one
USD 259	1.72 to one
State of Kansas	6.23 to one

The City Attorney's Office will review and approve the Ordinance as to form. As required by state law, a notice of public hearing has been published in the City's official newspaper and mailed to the governing bodies of Sedgwick County and U.S.D. 259.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Gray moved that the public hearing be closed; the Ordinance granting a 87% tax exemption on the identified real and personal property improvements for a five year term, and a 43.5% exemption on real property only, for a further five-year period, subject to City Council review be placed on first reading. Motion carried 6 to 0, (Schlapp absent).

--carried

ORDINANCE

An Ordinance exempting property from Ad Valorem taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for Ad Valorem Tax Exemption; and describing the property of Wichita Coffee Roasterie, Inc., so exempted, introduced and under the rules laid over.

1601 N. TOPEKA

DONATION OF VACANT LOT AT 1601 NORTH TOPEKA. (DISTRICT VI)

John Philbrick

Real Estate Administrator reviewed the Item.

Agenda Report No. 04-0033

In September 2002 the City of Wichita received four lots located at 1601 North Topeka in exchange for a City-owned parcel located at 1237 South Broadway. The Topeka parcel contains 14,000 square feet. It is zoned commercial although the area is primarily residential. The lots have been offered for sale since acquisition and were included in the 2003 marketing program. No offers have been received to date.

Habitat for Humanity, a City approved non-profit Community Housing Development Organization (CHDO) has applied for the donation of these City-owned lots. They plan to develop the site with two single-family residences for sale to qualified first-time homeowners.

Donation of this lot will relieve the City of maintenance responsibilities and place the property back on the tax rolls. Additional tax value will be created by the development of the parcel.

Council Member Fearey

Council Member Fearey stated that she would like to invite Charles Eby to come forward and say a few words for Habitat for Humanity.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

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Charles Eby Mr. Eby thanked the City for their donation of land on North Topeka and stated that they will be building on it.

Linda Stewart Ms. Stewart, Executive Director of Habitat for Humanity, reported that they have 19 habitat families who were approved on their list and waiting on homes and that she has assessed that one of their largest needs and limitations is finding land. Stated that this is a huge opportunity for them to open the door and begin building a home, help the community, help mid-town area and a win-win for all involved.

Motion-- Fearey moved that the donation be approved and the necessary signatures authorized. Motion
--carried carried 6 to 0, (Schlapp absent.)

IMPOUNDING VEH. ORDINANCE AMENDMENTS SECTIONS 11.52.020, RELATING TO IMPOUNDING OF VEHICLES; AND SECTIONS 3.49.030, 3.49.040, 3.49.070, 3.49.130, 3.49.140 AND 3.49.170 REGARDING EMERGENCY WRECKER SERVICE PROCEDURES. AN ORDINANCE CREATING SECTIONS 11.99.010, 11.99.020, 11.99.030, 11.99.040 AND 11.99.050 PERTAINING TO PRIVATE TOWING REGULATIONS.

(Council Member Brewer momentarily absent).

Joe Lang Law Department reviewed the Item.

Agenda Report No. 05-0034

In 2004, the Kansas Legislature amended K.S.A. 8-1102 regarding procedures to be followed by public agencies when vehicles are impounded by a law enforcement agency.

The amendments require that owners, as well as lien holders, be notified when a vehicle is impounded. Further, the amendments require individuals seeking to recover vehicles from impound to provide proof of valid registration and ownership before the vehicle is released.

Due to increasing fuel and insurance costs, fee increases for police tows were requested by the wrecker companies on the city's wrecker rotation list. Staff met with wrecker company representatives and have reviewed the documentation provided to support the fee increases. Staff believes that increases requested are reasonable.

In 2003, the Wichita Police Department towed approximately 5,000 vehicles. For each vehicle towed, the Wichita Police Department is required to notify, by registered mail, the owner of the vehicles towed. If the vehicle is not claimed by the owner, Police Property and Evidence staff prepare the vehicles for sale and assist wrecker services with auctioning the vehicle to the public. Auctions are held on a quarterly basis. It is estimated that it costs the Police Department approximately \$40.00 in staff time and mailing costs to prepare one vehicle for sale.

The proposed amendments bring the City's ordinances into compliance with the Kansas statutes and increase the fees allowed to be charged by towing companies. The storage fee is increased from \$15.00 to \$20.00 per day; and the mileage fees are raised from \$2.30 to \$2.85 per mile, and for tows requiring larger wreckers the fee is raised from \$4.00 to \$4.50 per mile. The base towing fee is raised from \$55.00 to \$65.00.

The proposed amendments charge an administrative fee of \$15.00 per vehicle, to be paid to the City, to help offset the costs of notification, mailing and publication of vehicles to be sold at auction.

Lastly, the proposed amendments establish a procedure to be used by private citizens and business to tow abandoned vehicles from their property, after proper notice to the vehicle's owner. The amendments will decrease police involvement in these tows and allow for property owners to remove these vehicles in an expedited matter. The existing provisions of the nuisance code remain in effect for the towing of other types nuisance or abandoned vehicles.

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The ordinance amendments will reduce Police workload by reducing the number of tows, while also increasing Police revenue by an estimated \$5.00 per tow. The \$15.00 administrative fee per vehicle will help offset the Police Department's costs of notification, mailing and publication of vehicles sold at auction.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Mayans moved that the ordinance be placed on first reading and the necessary signatures authorized. Motion carried 5 to 0, (Brewer and Schlapp absent).

ORDINANCE

An Ordinance amending section 11.52.020, relating to impounding of vehicles; and sections 3.49.030, 3.49.040, 3.49.070, 3.49.130, 3.49.140 and 3.49.170 regarding emergency wrecker service procedures. an ordinance creating sections 11.99.010, 11.99.020, 11.99.030, 11.99.040 and 11.99.050 pertaining to private towing regulations, introduced and under the rules laid over.

SOCCER ASSOC.

LEASE AGREEMENT BETWEEN THE CITY OF WICHITA, DEPARTMENT OF PARK AND RECREATION AND THE SEDGWICK COUNTY SOCCER ASSOCIATION.

Doug Kupper

Director of Parks and Recreation reviewed the Item.

(Council Member Schlapp arrived at 10:38 a.m. and took her seat at the bench).

Agenda Report No. 05-0035

As a result of findings from the Alternative Revenue Task Force and direction from the City Council, staff has had ongoing talks with the soccer associations regarding the assumption of maintenance duties at City soccer fields by the association in exchange for the City of Wichita not receiving user fees from the soccer associations. Members of the Sedgwick County Soccer Association met with staff early in 2004 to initiate discussions on a formal lease agreement with the City.

In May of 2004, staff began developing a lease agreement and continued to negotiate the terms of the agreement with the Sedgwick County Soccer Association. On November 16, 2004, at a City Council workshop, staff was directed to address maintenance standards, fees, insurance, nuisance/annoyance issues, and an inventory review in the lease agreement. A lease agreement has been created to the satisfaction of City staff and Sedgwick County Soccer Association.

Per City Council recommendations, any funding savings generated from this lease agreement will be used to enhance other grounds maintenance activities within the Park and Recreation Department.

The Law Department will review and approve the lease agreement as to form.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and on one appeared.

Motion--
--carried

Mayans moved that the agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

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PLANNING AGENDA

Motion--
--carried

Mayans moved that consent Planning Agenda Items 22 to 29 be approved as presented. Motion carried 7 to 0.

(Agenda Item #21)
ZON2004-00066

ZON2004-00066-ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO LIMITED COMMERCIAL. GENERALLY LOCATED NORTHWEST OF OLIVER AND WASHINGTON BLVD. (DISTRICT III)

John Schlegel

Planning Director reviewed the Item.

Agenda Report No. 05-0036

MAPC Recommendations: Approval subject to the provisions of Protective Overlay #151; and forward the request to District Advisory Board III prior to sending the case to the City Council. (vote 8-2)

MAPD Staff Recommendations: Approval subject to the provisions of Protective Overlay #151.

DAB Recommendations: Will hear February 2, 2005. Planning Director will report on DAB action at the City Council meeting.

The applicant requests a zone change from "SF-5" Single-family Residential to "LC" Limited Commercial on portions of two lots amounting to approximately five acres. The remainder of the application area, including the existing building, is already zoned LC. The proposed rezoning area lies along a public drainage-way, and is proposed to accommodate parking for a future US Postal facility. The applicant proposes a Protective Overlay (PO) on the entire 16.16-acre property. The subject property is located northwest of the Oliver and George Washington Blvd. intersection. The site houses a large warehouse-type building and associated parking. North of the application area is a drainage-way, and "GC" / "LC" zoned retail uses. South and west of the application area are I-35, "SF-5" zoned open space, and "LC" zoned vacant land. East of the application area are "LC" and "GC" zoned commercial uses, including auto sales and services. West of the application area are "MF-29" zoned multi-family housing units in the Planeview neighborhood.

At its regular meeting on January 13, 2005, the Wichita-Sedgwick County Metropolitan Area Planning Commission considered this request and approved it, subject to the following provisions of Protective Overlay #151:

1. Parking shall be provided in accordance with Section IV of the Unified Zoning Code.
2. Development of property shall comply with Section III-B-14 of the Unified Zoning Code (the "LC" limited commercial district).
3. Setbacks are as indicated on the plat of Krumsick & Barrett Addition.
4. A Drainage Plan shall be submitted to City Engineering for approval. Required guarantees for drainage shall be provided at the time of platting improvements.
5. Signs shall be in accordance with the Sign Code of the City of Wichita.
6. Access Controls shall be as shown on the final plat.
7. All exterior lighting shall be shielded to direct light disbursement in a downward direction.
8. All property shall share similar or consistent parking lot lighting elements (i.e., fixtures, poles, and lamps, etc.), and shall comply with the Unified Zoning Standard in Article IV-B.4.
9. Utilities shall be installed underground on all parcels.

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10. Landscaping for this site shall be required as follows:
 - a. Development of all land shall comply with the Landscape Ordinance of the City of Wichita. Partial waivers can be granted by the Director of Planning based upon site constraints.
 - b. A landscape plan shall be prepared by a Kansas Landscape Architect for the above referenced landscaping, indicating the type, location, and specifications of all plant material. This plan shall be submitted to the Planning Department for their review and approval prior to issuance of a building permit.
11. Rooftop mechanical equipment shall be screened from ground level view per Unified Zoning Code.
12. Trash receptacles, loading docks, outdoor storage, and loading areas shall be appropriately screened to reasonably hide them from ground view, with these areas being screened by a screening wall/fence consisting of materials of the main structure and being connected to the building whenever possible.
13. All buildings shall share uniform architectural character, color, texture, and the same predominate exterior building material, as determined by the Director of Planning.
14. Fire lanes shall be in accordance with the Fire Code of the City of Wichita. No parking shall be allowed in said fire lanes, although they may be used for passenger loading and unloading. The Fire Chief or his designated representative shall review and approve the location and design of all fire lanes. Fire hydrant installation and paved access to all building sites shall be provided for each phase of construction prior to the issuance of building permits.
15. The Transfer of title of all or any portion of land does not constitute a termination of the Protective Overlay or any portion thereof, but said Protective Overlay shall run with the land and be binding upon present owners, their successors and assigns.
16. The development of this property shall proceed in accordance with the Protective Overlay as recommended for approval by the Planning Commission and approved by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
17. Any major changes in this Protective Overlay shall be submitted to the Planning Commission and to the Governing Body for their consideration.

District Advisory Board III was scheduled to hear this request on February 2, 2005. The Planning Director will report on the DAB action at the City Council meeting.

Motion--
--carried

Lambke moved to concur with the findings of the MAPC and place the Ordinance establishing the zone change, subject to provisions of Protective Overlay #151 on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, introduced and under the rules laid over. (ZON2004-00066)

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ZON2004-00063

ZON2004-00063-ZONE CHANGE FROM NEIGHBORHOOD RETAIL TO LIMITED COMMERCIAL AND AN AMENDMENT TO PROTECTIVE OVERLAY DISTRICT #3. GENERALLY LOCATED SOUTH OF LINCOLN AND EAST OF WEBB ROAD. (DISTRICT II)

Agenda Report No. 05-0037

MAPC Recommendations: Approve vote (10-0).

MAPD Staff Recommendations: Approve.

DAB Recommendations: Due to lack of a quorum, no formal recommendation by the board was made.

The applicant requests a zone change for 4.5 acres located south of Lincoln and east of Webb from "NR" Neighborhood Retail to "LC" Limited Commercial. The applicant has a contract to sell a portion of the subject property to a cosmetology school. The Unified Zoning Code defines a cosmetology school as a "Vocational School", which is first permitted by right in the "LC" district. The subject property is restricted by the provisions of Protective Overlay District #3, which includes zoning restrictions pertaining to landscaping, signs, architectural control, lighting, traffic, screening, and permitted uses. The applicant proposes to amend Protective Overlay District #3 to continue the same zoning restrictions on the subject property, except that a "Vocational School" would be permitted in addition to the uses currently permitted on the subject property (see attached "Proposed Amendment to Protective Overlay District #3).

The character of the surrounding area is predominately residential with a mixture of low-density and high-density housing as well as institutional uses in the vicinity. The subject property was approved for commercial development in 1996 but has remained vacant. The property to the north is zoned "SF-5" Single Family and is developed with a church. The properties to the south and east are zoned "SF-5" Single Family and are developed with single-family residences. The properties to the south are zoned "B" Multi-Family and are developed with residential uses. The properties to the west across Webb are zoned "TF-3" Two Family and are developed with single-family residences.

There were no speakers in opposition to the request at the DAB hearing on January 3, 2005, or at the MAPC hearing on January 13, 2005. The DAB lacked a quorum, so no formal recommendation was made. The MAPC voted unanimously to recommend approval of the requested zone change and amendment to Protective Overlay District #3.

Motion--

Mayans moved that Council adopt the findings of the MAPC and place the Ordinance approving the zone change and amendment to Protective Overlay District #3 amendment on first reading. Motion carried 7 to 0.

--carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, introduced and under the rules laid over. (ZON2004-00063)

ZON2004-00064

ZON2004-00064-ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO GENERAL OFFICE. GENERALLY LOCATED AT THE NORTHWEST CORNER OF DOUGLAS AND RIDGE ROAD. (DISTRICT V)

Agenda Report No. 05-0038

MAPC Recommendations: Approval of "GO" General Office subject to a Protective Overlay, vote (10-0).

MAPD Staff Recommendations: Approval of "GO" General Office subject to a Protective Overlay.

DAB Recommendations: Approval of "GO" General Office subject to a Protective Overlay, vote (6-1).

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The application area is located at the northwest corner of Ridge Road and Douglas Avenue. The site is located approximately one-quarter mile north of the Maple and Ridge Road intersection. It is a 1.25-acre site made up of three platted lots, Lots 13, 14 and 15, Block B, Westview Addition, currently zoned "SF-5" Single-family Residential. Two of the lots appear to be developed with single-family uses. The northernmost lot appears to be vacant. As stated on the application, the applicant is seeking "NR" Neighborhood Retail zoning in order to "provide neighborhood retail opportunities on property no longer valid for residential uses." The site has a 30-foot platted building setback established along the south and east property line.

While the application area is zoned single-family, the remainder of the block (land located north and west of the site) on which it is located is zoned "MF-18" Multi-family Residential, and developed with four-plex and apartment buildings. Land to east is developed as single-family homes and zoned "SF-5" Single-family Residential. The lot to the south of the site is zoned "GO" General Office, and developed with an office building. The remainder of the land to the south is zoned "SF-5" Single-family Residential and developed with single-family uses. Other than the "GO" zoned lot located to the south, it is 750 feet from the application area to the closest non-residentially zoned property ("LC" Limited Commercial) located at the Maple and Ridge intersection.

"NR" zoning limits individual commercial uses to a maximum of 8,000 square feet of gross floor area. No outdoor storage or display is permitted for commercial uses. Ground signs are permitted, one per business up to 32 square feet in height, and they must be spaced 50 feet apart if there are more than one pole sign. Building heights of up to 35 feet are permitted. A site this size, developed at 30 percent could allow up to 16,335 square feet of gross floor area, which could generate up to 686 average daily trips.

District Advisory Board (DAB) V reviewed this request on January 3, 2005, and recommended approval of "GO" General Office zoning (6-1), subject to a Protective Overlay. Protective Overlay Number 152 contains the following conditions: 1) Any building(s) constructed on the site should be single story in height, residential in character (e.g. rooflines should be hip or gable roof; exterior façade materials typical of residential construction should be wood, brick or stucco or similar materials). If multiple buildings are constructed on the site, they should share similar exterior materials and colors. Predominate exterior building colors should be muted. 2) Signage shall be per the sign code, except that all ground or pole signs shall be monument type, and no building signs shall face west or north. 3) Parking lot lighting standards shall not exceed 14 feet in height, shielded down. 4) Access shall be limited as follows: one access opening to Douglas and one access opening to Ridge Road. 5) Eliminate the following use – hospitals. No one spoke in opposition to the request at the DAB meeting.

The Metropolitan Area Planning Commission (MAPC) reviewed this request on January 13, 2005, and recommended approval of "GO" General Office zoning subject to the same Protective Overlay recommended by DAB V. No one spoke in opposition, however the Department received an e-mail expressing opposition (attached). The e-mail's author owns property that is located outside of the 200-foot protest area.

Motion--
--carried

Mayans moved that Council concur with the findings of the MAPC and approve the zone change, subject to Protective Overlay Number 152; place the ordinance on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, introduced and under the rules laid over. (ZON2004-00064)

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ZON2004-00065

ZON2004-00065-ZONE CHANGE FROM MULTI-FAMILY RESIDENTIAL AND GENERAL COMMERCIAL TO LIMITED COMMERCIAL. GENERALLY LOCATED BETWEEN HILLSIDE AVENUE AND LORRAINE STREET, APPROXIMATELY 305-FEET SOUTH OF CENTRAL AVENUE. (DISTRICT I)

Agenda Report No. 05-0039

MAPC Recommendations: Approve subject to the provisions of Protective Overlay #150 (Vote 10-0).

MAPD Staff Recommendations: Approve subject to the provisions of Protective Overlay #150.

DAB Recommendations: Approve subject to the provisions of Protective Overlay #150 (Vote 8-0).

The applicant requests a zone change from "B" Multi-family Residential and "GC" General Commercial to "LC" Limited Commercial on what can generally describe as a southern portion of Reserve F, a portion of a drainage reserve, and the southern $\frac{3}{4}$ portion of Reserve B, all in the Maple Grove Addition.

The subject properties are located between Hillside Avenue & Lorraine Street, approximately 305-feet south of Central Avenue. The subject site is currently developed as a brick, one story medical office with a parking lot on the Hillside Avenue frontage (Reserve F, zoned "GC" and "B") and vacant land (Reserve B, zoned "B") on the Lorraine frontage. The applicant proposes redevelopment of the property as a restaurant with a drive up window.

East of the subject site and across Hillside Avenue is PUD01-02. Its uses include: free standing general retail, a neighborhood-shopping strip, a restaurant, a hotel/motel, and office. South of the subject site is the previously mentioned drainage easement (Misc. Book 575, Page 217), which has part of the site's parking lot located on it. South of the parking lot and within the drainage easement is a drainage channel, which runs west, over what used to be 3rd Street, to its intersection with the drainage channel that runs parallel with I-135. There are four-plexes located south of the drainage channel and south of the site. There is also a duplex abutting the south side of the site and on the north side of the drainage channel. All properties south of the subject site are zoned "B". North of the subject site there are offices and a Spangles restaurant with a drive up window, which are all zoned "GC". There is also a vacant single-family residence, zoned "B" abutting the northwest side of the site. The Wesley Hospital complex is located northeast of the subject site, on the northeast corner of Hillside Avenue and Central Avenue. Properties west of the site, across Lorraine Street, include single-family residences and a small apartment complex, all zoned "B".

District Advisory Board I (DAB I) considered this case at their January 3, 2005 meeting. DAB I recommended approval (8-0) of the zoning change with the provisions of Protective Overlay #150. No one protested the zoning change request at this meeting. The MAPC considered this case at their January 13, 2005 meeting. The MAPC recommended approval (10-0) of the zoning change with the following provisions of Protective Overlay #150:

1. Dedication by separate instrument of access control onto Hillside Avenue and no access onto Lorraine Street, per the Traffic Engineer's recommendation.
2. Provide a restrictive covenant binding and tying the properties together.
3. The following uses are prohibited: manufactured home, correctional placement residence (limited and general), cemetery, broadcast and recording studios, animal care general, hospital, heliport, printing and copying limited, convenience store, car wash, construction sales and service, night club, tavern, pawn shop, recreation and entertainment indoor, vehicle repair limited, service station, reverse vending machine, wireless communication facilities, recycling collection station (private), asphalt or concrete plant, outdoor storage.
4. Maximum building height of 35 feet.
5. The speaker order board shall not project sound so as to be audible from the residential developments located to the west or to the south, or any other residential use in the vicinity.

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6. On-site pole lights no higher than 14-foot. They shall be hooded and directed onto the site and away from the residential developments west and south of the site.
7. The trash dumpster shall be located a minimum of 20-feet from the west, north and south property lines with solid screening around it.
8. Solid screening around the south, west and north property lines shall be provided.
9. Signage will be as allowed in the "LC" zoning district, with no signs allowed on the west, north or south sides of the property or on the building.
10. Redevelopment plans for of the portion of the site located in the drainage easement, which is currently a parking lot, will need to be reviewed and approved by Storm Water Management, prior to construction.

No one protested the zoning change request at the MAPC meeting. Staff has received no written protests against the requested zoning change.

Motion--

Mayans moved that Council concur with the findings of the MAPC and approve the zone change to "LC" Limited Commercial, subject to the provisions of Protective Overlay Number 150; and place the Ordinance on first reading, with publication being withheld until all provisions are met. Motion carried 7 to 0

--carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, introduced and under the rules laid over. (ZON2004-00065)

YMCA ADDITION

SUB2004-113-PLAT OF NORTHWEST YMCA ADDITION, LOCATED ON THE NORTH SIDE OF 21ST STREET NORTH AND THE WEST SIDE OF 135TH STREET WEST, (COUNTY)

Agenda Report 05-0040

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (9-0)

This site, consisting of two lots on 50 acres, is located in the County within three miles of Wichita's city limits. A County zone change (ZON 2004-30) from SF-20, Single-family Residential District to LC, Limited Commercial District has been approved for a portion of the site. This site is subject to the provisions of the Northwest YMCA Community Unit Plan (CUP 2004-17; DP-276). A Community Unit Plan Certificate (CUP) has been submitted.

Petitions, all 100 percent, and a Certificate of Petitions have been submitted for sewer, water and paving improvements. In accordance with the CUP approval, a Cross-lot Circulation Agreement to assure internal vehicular movement between the lots has also been submitted. For those reserves being platted for drainage purposes, a Restrictive Covenant was submitted providing for the ownership and maintenance of reserves.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

The CUP Certificate, Certificate of Petitions, Cross-lot Circulation Agreement and Restrictive Covenant will be recorded with the Register of Deeds.

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Motion--
--carried

Mayans moved that the documents and plat be approved, the necessary signatures authorized and the Resolutions adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-070

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90043 (north of 21st Street, west of 135th Street West), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-071

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90044 (north of 21st Street, west of 135th Street West), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-072

Resolution of findings of advisability and Resolution authorizing construction of Lateral 1, Main 10, Northwest Interceptor Sewer, 468-83957 (north of 21st Street, west of 135th Street West), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-073

Resolution of findings of advisability and Resolution authorizing constructing pavement on the following streets: a left and right turn lane on 21st Street into a major entrance serving Lots 1 and 2, Block 1,; Northwest YMCA Addition, 472-84177(north of 21st Street, west of 135th Street West), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

SUB2004-118

SUB2004-118-PLAT OF SOUTH HIGH SCHOOL THIRD ADDITION, LOCATED NORTH OF MACARTHUR AND ON THE EAST SIDE OF SENECA. (DISTRICT IV)

Agenda Report No. 05-0041

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (13-0)

This unplatted site, consisting of one (1) lot on 8.95 acres, is located within Wichita's city limits and is zoned SF-5, Single-family Residential District. Municipal services are available to serve the site.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

Motion--
--carried

Mayans moved that the plat be approved and the necessary signatures authorized. Motion carried 7 to 0.

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DED2004-33

DED2004-33-DEDICATION OF ACCESS CONTROL AND DED 2004-34-DEDICATION OF A DRAINAGE AND UTILITY EASEMENT FOR PROPERTY LOCATED ON THE NORTHEAST CORNER OF 21ST STREET NORTH AND WEBB ROAD. (DISTRICT II)

Agenda Report No. 05-0042

MAPC Recommendation: Accept the Dedications. (12-0)

These dedications are associated with a lot split case (SUB 2004-145) and are being dedicated for access control except for one opening along Webb Road and for construction and maintenance of public utilities.

The Dedications have been reviewed and approved by the Planning Commission.

The Dedications will be recorded with the Register of Deeds.

Motion--carried

Mayans moved that the Dedications be accepted. Motion carried 7 to 0.

VAC2004-00001

VAC2004-00001-REQUEST TO VACATE A PORTION OF ACCESS CONTROL GENERALLY LOCATED MIDWAY BETWEEN WEBB ROAD AND GREENWICH ROAD ON THE SOUTH SIDE OF KELLOGG AVENUE. (DISTRICT II)

Agenda Report No. 05-0043

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (Unanimously)

The applicants are requesting consideration to vacate a portion of access control located along the north line of Lot 1, Block A, Pizza Hut Second Addition, together with the west 30-feet of Lot 1, Block 1, KT Wiedemann Business Park Addition. The Pizza Hut Second Addition was recorded with the Register of Deeds on December 3, 1969. The KT Wiedemann Business Park addition was recorded with the Register of Deeds on May 29, 1980.

Currently access onto the Pizza Hut Second Addition is confined to the west 30-feet of Lot 1, Block A. Access onto Lot 1, Block 1, KT Wiedemann Business Park Addition is off of Wiedemann street, which abuts the east side of that lot. The applicant proposes to relocate access to the east corner of the north line of Lot 1, Block A, the Pizza Hut Second Addition and the west 30-feet of the north lot line of Lot 1, Block 1, KT Wiedemann Business Park Addition, creating a joint access for the two abutting sites. The applicant has contacted the Kansas Department of Transportation in reference to this request and has received guidelines for its approval, which the applicant has met.

The MAPC voted to approve (11-0) this vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

A certified copy of the Vacation Order and a dedication of complete access control will be recorded with the Register of Deeds and provide a guarantee/petition for an extension and paving of the existing Kellogg – US-54 Highway frontage road.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized. Motion carried 7 to 0.

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VAC2004-00062

VAC2004-00062-REQUEST TO VACATE A PORTION OF PLATTED COMPLETE ACCESS CONTROL LOCATED ON THE WEST SIDE OF GREENWICH ROAD, APPROXIMATELY 253-FEET NORTH OF 21ST STREET NORTH. (DISTRICT II)

Agenda Report No. 05-0044

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (Unanimously)

The applicant has applied for the vacation of a portion of complete access control located along the site's approximately 457.5-feet of Greenwich Road frontage to allow one shared, right in – right out access between Lots 2 & 3, The Regency Lakes Commercial 2nd Addition. The Regency Lakes Commercial 2nd Addition was recorded with the Register of Deeds on February 21, 1997.

The Manhattan Addition is located east of the site across Greenwich Road. The Manhattan Addition is platted with 4 openings, one being a major opening, along its approximately 1,522.25-feet of Greenwich Road frontage. Conceptual plans for improvements to this section of Greenwich Road indicate a median strip will be constructed. Construction of the median strip and the proposed location of the shared right in – right out access will allow this type of access at this location, without conflict with traffic using access north and south of the site on the west side of Greenwich Road or with traffic using the Manhattan Addition's platted access, east and across Greenwich Road from the site.

The MAPC voted to approve (11-0) the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

A certified copy of the Vacation Order and a dedication of access control by separate instrument will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized.
Motion carried 7 to 0.

AIRPORT AGENDA

YINGLING

ISSUANCE OF AIRPORT SPECIAL FACILITIES REVENUE BONDS - YINGLING AVIATION PROJECT. (DISTRICT IV)

Allen Bell

Economic Development Director reviewed the item.

Agenda Report No. 05-0045

Cessna Aircraft Company leases certain properties on Mid-Continent Airport (known as Yingling Aircraft) for the purposes of operating a fixed base operation serving general aviation aircraft. Cessna subleases those facilities to Yingling Aircraft, Inc. Cessna and Yingling are desirous of building a 15,500 sq.ft. hangar and shop facility on land adjacent to Yingling and currently leased by Cessna, for the purpose of further development of the business of aircraft refurbishment and completion work by Yingling Aircraft Inc.

On December 21, 2004, the Wichita Airport Authority adopted a resolution declaring its intent to issue Airport Special Facility Revenue Bonds in an amount not to exceed \$1,500,000 for the purpose of constructing the above-mentioned hangar, to be leased to the Cessna Aircraft Company and subleased to Yingling Aircraft Inc. The Airport Authority also determined that the income from the Project, exclusive of ground rental, would be sufficient to retire the Bonds.

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In order to accomplish this project, it is necessary to demolish a 50-year old office/shop structure on the north end of the current leasehold and to construct the hangar and shop facility. Further, it is necessary to relocate certain fences and security equipment. All of the above is a project cost to Cessna/Yingling. Costs to the Wichita Airport Authority are the installation of a new area fire hydrant and the relocation of a storm sewer, which traverses the leasehold, at an estimated total cost of \$47,000. The facility will be titled to the Wichita Airport Authority and the leases involved will have a 30-year term.

Cessna/Yingling will fund the estimated \$1.5 Million project from the proceeds of an Airport Special Facility Revenue Bond issue in that amount. The Bonds will be purchased as a private placement by Cessna Aircraft Company.

The Wichita Airport Authority contribution of \$47,000 will be paid from airport revenues and is budgeted within the current CIP. As part of an on-going reconstruction of common-use entrances to the general aviation parking area, the road adjacent to the leasehold will be concurrently reconstructed.

Bond documents have been prepared by the Hinkle Elkouri Law Firm. The Law Department has approved the documents as to form.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and on one appeared.

Motion--

Mayans moved that the bond resolution authorizing the issuance of Airport Special Facilities Revenue Bonds in the amount of \$1,500,000 be adopted; the trust indenture, lease, sublease, and bond purchase agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

--carried

RESOLUTION NO. A 05-001

A Resolution authorizing the Wichita Airport Authority of the City of Wichita, Kansas, to renovate, expand and equip a fixed base operation facility to be leased to Cessna Aircraft Company and subleased to Yingling Aircraft, Inc., authorizing the issuance of Taxable Airport Special Facilities Revenue Bonds, Series A, 2005 (Yingling Aviation Project), in the aggregate principal amount of \$1,500,000, authorizing execution of a Trust Indenture by and between the Wichita Airport Authority of the City of Wichita, Kansas and the Bank of New York Trust Company, N. A., as Trustee; authorizing the Wichita Airport Authority of the City of Wichita, Kansas to lease the facility to Cessna Aircraft Company and authorizing execution of a lease between said Airport Authority and Cessna Aircraft Company approving the sublease of the facility to Yingling Aircraft, Inc.; and authorizing the execution of a Bond purchase Agreement for the Bonds by and between said Airport Authority and Cessna aircraft Company, as purchaser, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

CESSNA AIRCRAFT

ISSUANCE OF AIRPORT SPECIAL FACILITIES REVENUE BONDS – CESSNA AIRCRAFT CO. (DISTRICT IV)

Allen Bell

Economic Development Director reviewed the item.

Agenda Report No. 05-0046

On December 18, 2001, the Wichita City Council approved a letter of intent to provide economic development incentives to Cessna Aircraft Company to assist its efforts to develop a 450,000 square foot Citation Service Center on 150 acres of land leased from the Wichita Airport Authority, on Hoover Road near Highway K-42. The financial incentive package included funding from the City, Sedgwick County, the State of Kansas and the Federal Aviation Administration. The City of Wichita has contributed \$8.7 million to fund up to half the costs relating to site preparation, roads, utilities, parking, landscaping, etc. and \$1.2 million to match FAA funding of a new taxiway. Cessna Aircraft company has been responsible for construction of the Citation Service Center building and the balance of site improvements, at a cost of more than \$55 million, which it is financing through the issuance of Airport Special Facilities Revenue Bonds.

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On February 5, 2002, the Wichita Airport Authority adopted a resolution declaring its intent to issue Airport Special Facility Revenue Bonds in an amount not to exceed \$60,000,000 for the purpose of financing the construction of the above-mentioned Citation Service Center and Cessna's share of the site improvements. The Airport Authority also determined that the income from the Project, exclusive of ground rental, would be sufficient to retire the Bonds. On May 14, 2002, the Wichita Airport Authority issued \$49,300,000 tax-exempt Airport Special Facility Revenue Bonds, to finance the portion of the overall project costs that qualify for tax-exempt financing under the Federal Tax Code.

Cessna has now completed the Citation Service Center Project. To finalize the financing arrangements for the project, the Company requests the issuance of \$5,850,000 taxable Airport Special Facility Revenue Bonds, to finance the portion of project costs that do not qualify for tax-exempt financing.

As a general proposition, Cessna Aircraft Company does not qualify under the Federal Tax Code for tax-exempt bond financing of its manufacturing facilities due to the capital expenditure limitations placed on most businesses seeking to use tax-exempt bonds to finance their facilities. Businesses that have capital expenditures of more than \$10 million over a six-year period, looking back three years and forward three years from the date of issuance, are precluded from using tax-exempt bonds. However, the Code provides an exception for facilities located at airports that are used in connection with aircraft operations, such as fixed base operations and repair and maintenance facilities (such as the Citation Service Center).

Cessna has chosen to house certain functions within the new Citation Service Center that do not conform with the uses permitted under the Federal Tax Code for tax-exempt financing, such as offices for customer relations representatives. To address this, Cessna has divided the overall financing into a tax-exempt piece and a taxable piece. The \$49,300,000 tax-exempt bonds issued in 2002 were underwritten by Banc of America Securities. The \$5,850,000 taxable bonds being issued at the present time will be purchased by Cessna Aircraft Company.

The City's share of the Citation Service Center incentive package is funded by a combination of airport funding, primarily for matching funds for taxiway improvements, and funding provided in the adopted CIP, primarily for site improvement costs and utility costs.

Bond documents have been prepared by the Hinkle Elkouri Law Firm.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Gray moved that the Bond Resolution authorizing the issuance of taxable Airport Special Facilities Revenue Bonds in the amount of \$5,850,000 be adopted; the First Supplemental Trust Indenture, First Supplemental Lease, and Bond Purchase Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

--carried

RESOLUTION NO. A 05-002

A Resolution authorizing the Wichita Airport Authority of the City of Wichita, Kansas, to construct and equip an Aircraft Service Center to be leased to Cessna Aircraft Company; authorizing the issuance of Subordinated Taxable Airport Special Facilities Revenue Bonds, Series B, 2005 (Cessna Citation Service Center Project), in the aggregate principal amount of \$5,850,000; authorizing execution of a First Supplemental Trust Indenture by and between the Wichita Airport Authority of the City of Wichita, Kansas and the Bank of New York Trust Company, N. A., as Trustee; authorizing execution of a First Supplemental Lease between said Airport Authority and Cessna Aircraft Company; authorizing the execution of a Bond Purchase Agreement for the Bonds by and between said Airport Authority and Cessna Aircraft Company, as purchaser; and authorizing the execution of additional documents necessary or desirable to effect the transaction contemplated hereby, presented. Gray moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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CITY COUNCIL

APPOINTMENTS

BOARD APPOINTMENTS.

Council Member Lambke Council Member Lambke requested that Billy Malugin be appointed to the City of Wichita Access Advisory Board.

Council Member Gray Council Member Gray requested that Edwin Koon be appointed to the Wichita Access Advisory Board.

Council Member Brewer Council Member Brewer requested that Harold Schletwig be appointed to the Wichita Employees Retirement Board.

Mayor Mayans Mayor Mayans requested that Janet Pape be appointed to the City of Wichita Access Advisory Board.

Motion--carried Mayans moved that the appointments be made. Motion carried 7 to 0.

ADJOURNMENT

Motion--carried Mayans moved to adjourn the Council Meeting at 11:02 a.m. Motion carried 7 to 0.

Respectfully submitted,

Karen Sublett
City Clerk

*****Workshop followed in the First Floor Board Room*****